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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JORGE NARVAEZ,

Defendant.

CASE NO. 5:24-MJ-00031-CDB

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
~~{PROPOSED}~~ ORDER

DATE: May 27, 2025
TIME: 2:30 p.m.
COURT: Hon. Christopher D. Baker

This case is set for a preliminary hearing on May 27, 2025. The parties respectfully request the Court continue the preliminary hearing to May 29, 2025, at 2:30 p.m. *See e.g. United States v. Lewis*, 611 F.3d 1172, 1176 (9th Cir. 2010) (noting any pretrial continuance must be “specifically limited in time”). The parties desire additional time to prepare for the preliminary hearing.

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant’s counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for a preliminary hearing on May 27, 2025.
2. By this stipulation, defendant now moves to schedule the preliminary hearing on **May 29, 2025, at 2:30 p.m.** and to exclude time between May 27, 2025, and May 29, 2025.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) Counsel for defendant desires additional time to consult with his client and

1 conduct further investigation.

2 b) Counsel for defendant has a conflict with the currently scheduled date of May 27,
3 2025.

4 c) Counsel for defendant believes that failure to grant the above-requested
5 continuance would deny him the reasonable time necessary for effective preparation, taking into
6 account the exercise of due diligence.

7 d) The government does not object to the continuance.

8 e) Pursuant to F.R.Cr.P. 5.1(c) and (d), a preliminary hearing must be held “no later
9 than 14 days after initial appearance if the defendant is in custody,” unless the defendant
10 consents and there is a “showing of good cause”. Here, the defendant consents and there is good
11 cause as set forth herein.

12 f) Based on the above-stated findings, the ends of justice served by continuing the
13 case as requested outweigh the interest of the public and the defendant in an indictment or trial
14 within the original dates prescribed by the Speedy Trial Act.

15 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
16 et seq., within which an indictment must be filed and within which a trial must commence, the
17 time period of May 27, 2025 to May 29, 2025, inclusive, is deemed excludable pursuant to 18
18 U.S.C. § 3161(h)(7)(A), B(iv) because it results from a continuance granted by the Court at
19 defendant’s request on the basis of the Court’s finding that the ends of justice served by taking
20 such action outweigh the best interest of the public and the defendant in a speedy
21 indictment/trial.

22 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
23 Speedy Trial Act dictate that additional time periods are excludable from the period within which an
24 indictment must be filed and a trial must commence.

25 IT IS SO STIPULATED.
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27
28

1 Dated: May 20, 2025

MICHELE BECKWITH
Acting United States Attorney

3 /s/ ARIN C. HEINZ
4 ARIN C. HEINZ
Assistant United States Attorney

5 Dated: May 20, 2025

6 /s/ DAVID TORRES
7 DAVID TORRES
Counsel for Defendant
8 JORGE NARVAEZ

9 **ORDER ON STIPULATION**

10 The COURT HEREBY ORDERS:

11 1) For the reasons set forth in the parties' stipulation, the Court finds pursuant to Fed. R. Crim. P
12 5.1(c) and (d) that there is good cause to continue the preliminary hearing in this matter to May 29,
13 2025, at 2:30 p.m

14 2) Accordingly, for good cause shown, the preliminary hearing is reset for May 29, 2025, at 2:30
15 p.m.

16 3) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq.,
17 within which an indictment must be filed and within which a trial must commence, the time period of
18 May 27, 2025 to May 29, 2025, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A),
19 B(iv) because it results from a continuance granted by the Court at defendant's request on the basis of
20 the Court's finding that the ends of justice served by taking such action outweigh the best interest of the
21 public and the defendant in a speedy indictment/trial.

22 IT IS SO ORDERED.

23 Dated: May 20, 2025

24 
UNITED STATES MAGISTRATE JUDGE